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August 17, 2023

Via ECF; Total Pages: 3

Hon. Judge Jennifer E. Willis, U.S.M.J.
United States District Court - SDNY
40 Foley Square
New York, NY 10007

Re: Vercillo v. Medsign International Corporation et al
Docket No. 1:23-cv-02007-JW

Dear Judge Willis:

This office represents defendants Medsign International Corporation, Thomas M Conroy, Philip Verruto and Reza Madani (hereinafter collectively “Defendants”) in the above referenced matter. Defendants respectfully file this letter motion to compel Plaintiff to respond to our multiple requests to confirm a mediation date. Defendants sent two (2) dates to Plaintiff’s counsel on August 4, 2022 – almost two (2) weeks ago, with no response.

In sum, over the past two (2) weeks we have sent multiple emails to Plaintiff’s counsel requesting that he confirm October 18th or 19th as a date to schedule a Mediation, with no response. (See **Exhibit A**, Defendants’ multiple emails to Plaintiff’s counsel). No email back, no phone call, no response whatsoever. As such, we cannot even schedule a meet and confer with Plaintiff’s counsel.

Background – Scheduling of Mediation

As the Court is aware, on July 20, 2023 Your Honor extended the date for the parties to complete mediation by October 19, 2023. (Doc 29).

07/20/2023	29	ORDER granting 24 Letter Motion for Extension of Time. On July 17, 2023, this action was referred to this Court for general pretrial, including the dispute
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at Dkt. No. 24. Dkt. No. 27. This Court is also in receipt of Plaintiff's response at Dkt. No. 28. Defendants' request to extend the deadline to exchange documents and complete mediation is GRANTED. Parties are directed to complete the exchange of documents by September 1, 2023. Plaintiff must provide the damages calculation to Defendants by that date. Mediation is to be complete by October 19, 2023. Finally, the Parties are directed to file a status update letter by October 26, 2023, advising the Court of the status and outcome of mediation. The Clerk of the Court is respectfully requested to close the motion at Dkt. No. 24. SO ORDERED. (Signed by Magistrate Judge Jennifer E Willis on 7/20/2023) (tg) (Entered: 07/20/2023)

Pursuant to the ECF message dated August 7, 2023 Mediation Status is due by September 15, 2023.

Pursuant to an email from the SDNY Mediation office that we received, the parties must agree on a Mediation date, and if the previously assigned Mediator is not available on the agreed date, the Mediation office will reassign a new Mediator.

As such, we have been seeking to confirm October 18th or 19th for the Mediation of this matter with Plaintiff's counsel, to no avail as provided above. *See Exhibit A.* We must get the date for Mediation confirmed promptly so that we can schedule the Mediation with the previous Mediator or have the Mediation office assign a new Mediator. Further, my clients and I have blocked off October 18th and 19th for the past two (2) weeks waiting for Plaintiff's counsel to respond, to no avail. We cannot wait to the 11th hour for Plaintiff's counsel to finally respond as those dates will not stay available forever.

CONCLUSION

For the reasons provided above, Defendants respectfully request the Court's assistance by Ordering Plaintiff to confirm either October 18th or 19th for the Mediation date for this matter. Thank you for your kind consideration and courtesies as to this matter.

Respectfully submitted,

Michael K. Chong

Michael K. Chong, Esq.

The Motion to Compel at Dkt. No. 30 is DENIED. Parties are directed to meet and confer in good faith to resolve the dispute. SO ORDERED.

Jennifer E. Willis

Jennifer E. Willis
United States Magistrate Judge

August 21, 2023